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09/980,885	03/22/2002	Henning Schulzrinne	A31852-PCT USA	1966

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EXAMINER	
KANG, PAUL H	
ART UNIT	PAPER NUMBER
2444	

NOTIFICATION DATE	DELIVERY MODE
11/20/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/980,885	SCHULZRINNE ET AL.	
	Examiner	Art Unit	
	Paul H. Kang	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-58* is/are pending in the application.

4a) Of the above claim(s) *31-56* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 9-30* is/are rejected.

7)☒ Claim(s) *6-8,57 and 58* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *08/01/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 9 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson et al., US Pat. No. 6,564,261.

3. As to claims 1 and 30, Gudjonsson teaches a single unified en-user network appliance and a packet data network system for providing packetized data over a packet data network, comprising:

a network controller subsystem coupled to said packet data network for establishing point-to-point communications (Gudjonsson, col. 8, lines 3-65, col. 3, lines 46-62 and col. 24, line 32 - col. 25, line 5);

a digital signal processing subsystem coupled to said network controller subsystem, the digital signal processing subsystem further comprising a computer program for detecting incoming calls and initiating call sessions (Gudjonsson, col. 8, lines 3-65 and col. 8, line 67 – col. 9, line 60);

a signal conversion subsystem coupled to said digital signal processing subsystem; and a user interface subsystem coupled to both the signal conversion subsystem and said digital signal subsystem (Gudjonsson, col. 7, line 35 – col. 8, line 34 and col. 34, lines 26-49).

4. As to claim 2, Gudjonsson teaches the system wherein said digital signal processing subsystem comprises a digital signal processor (DSP) and one or more memory devices coupled to said digital signal processor (Gudjonsson, col. 7, line 35 – col. 8, line 34 and col. 34, lines 26-49).

5. As to claims 3 and 4, Gudjonsson teaches the appliance wherein said computer program implements the Session Initiation Protocol for detecting and initiating call sessions and performing call session control, said address being stored in at least one of said memory devices (Gudjonsson, col. 8, lines 3-65 and col. 8, line 67 – col. 9, line 60).

6. As to claim 5, Gudjonsson teaches the appliance wherein the packetized data includes audio data and wherein the user interface subsystem comprises: a handset comprising an input device, a microphone and a speaker; and a display device (Gudjonsson, col. 7, line 35 – col. 8, line 34 and col. 34, lines 26-49).

7. As to claim 9, Gudjonsson teaches the appliance wherein the computer program implements a call forwarding feature, wherein at least one forwarding SIP address is stored in at least one of said memory devices, at least one of said forwarding SIP addresses being selectable

by a user via said user interface subsystem, and wherein on detection of a call directed to the appliance from a caller, said call is redirected to the selected forwarding SIP address (Gudjonsson, col. 9, line 8 – col. 10, line 46; call forwarding, col. 25, line 64 – col. 26, line 36).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 11-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson in view of Suder et al., US Patent No. 6,842,505 B1.

10. As to claim 11, Gudjonsson teaches the invention substantially as claimed. However, Gudjonsson does not explicitly teach the appliance comprising a sensor coupled to said appliance

for detecting the absence of a human being, wherein said call forwarding feature is activated in response to a signal from said sensor.

In the same field of endeavor, Suder teaches a communication system with human presence sensing capabilities (Suder, col. 1, line 37 – col. 2, line 44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the human presence sensing, as taught by Suder, into the communication system of Gudjonsson for the purpose of improving call routing and call accessibility.

11. As to claim 12, Gudjonsson-Suder teach the appliance wherein the user interface subsystem includes an output device and wherein the computer program implements a streaming media mode wherein streaming data is received from the network and is converted to perceptible signals provided to said output device (Gudjonsson, col. 7, line 35 – col. 8, line 2).

12. As to claims 13-17, Gudjonsson-Suder teach the appliance wherein the output device includes a speaker and wherein streaming data is selectively received from the network and is converted to audio signals provided to said speaker; and wherein when no call session is in progress streaming data is received form the network and is converted to audio signals provided to said speaker; further wherein the streaming data is received from the network and is selectively forwarded to another device during a call session where the data is convertible to perceptible signals by said device wherein the output device includes a video display and wherein streaming data includes streaming video data which is selectively received form the

network and is converted to video signals provided to said display (Gudjonsson, col. 9, line 8 – col. 10, line 46).

13. As to claim 18, Gudjonsson-Suder teach the appliance wherein the user interface subsystem includes a display device and wherein the digital signal processor detects the SIP address of callers and stores a plurality of caller SIP addresses in at least one of said memory devices, said plurality of caller SIP addresses being displayable on said display device and selectable in response to an input from the user interface subsystem (Gudjonsson, col. 34, line 26 – col. 35, line 64).

14. As to claim 19, Gudjonsson-Suder teach the appliance wherein the user interface subsystem includes a display device and wherein the digital signal processor (DSP) stores a plurality of called SIP addresses in said memory device, said called SIP addresses corresponding to the address of successfully initiated call sessions and being displayable on said display device and selectable in response to an input from the user interface subsystem (Gudjonsson, col. 34, line 26 – col. 35, line 64).

15. As to claim 21, Gudjonsson-Suder teach the appliance wherein said DSP subsystem further comprises and A/D converter for encoding incoming audio data into digital incoming audio data; an encoder coupled to said A/D converter for encoding said digital incoming audio data; a decoder for decoding digital outgoing audio data provided by said DSP subsystem; a D/A converter coupled to said decoder for converting digital outgoing audio data into outgoing audio

data; and an audio amplifier coupled to the handset and the corresponding speaker and microphone for conditioning said incoming and outgoing audio data (Gudjonsson, col. 9, line 8 – col. 10, line 46).

16. Claims 10, 20 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson-Suder, and further in view of Forslow, US Patent No. 6,608,832 B1.

17. As to claims 20, 22 and 23, Gudjonsson-Suder teaches the invention substantially as claimed. However, Gudjonsson-Suder does not explicitly teach the appliance comprising an Ethernet, IP, ARP, UDP, RTP, control, application and RTSP protocol layers; further comprising an Ethernet controller and a service filter. In the same field of endeavor, Forslow teaches a mobile communications network comprising an Ethernet, IP, ARP, UDP, RTP, control, application and RTSP an Ethernet, IP, ARP, UDP, RTP, control, application and RTSP (Forslow, col. 11, line 56 – col. 12, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the well known network protocols as taught by Forslow into the system of Gudjonsson-Suder since it is desirable to implement the communications system on a widely implemented communications protocol.

18. As to claims 10, 24 and 25, 26, 27, Gudjonsson-Suder-Forslow teach the appliance further comprising at least one sensor, said DSP acquires data from the sensor at predetermined time intervals, continuously, or based on an interrupt signal, formats the acquired data as network packet data and transmits the data to a predetermined destination on the network (Suder,

col. 1, line 37 – col. 2, line 44 and col. 11, line 41 – col. 12, line 52).

19. As to claim 28, Gudjonsson-Suder-Forslow teach the appliance including a call forwarding feature, said feature being selectively enabled in response to a signal applied to said sensor interface circuit (Suder, col. 11, line 41 – col. 12, line 52).

20. As to claim 29, Gudjonsson-Suder-Forslow teach the appliance further comprising a sensor for detecting the presence of a human being coupled to said sensor interface circuit and providing the signal for selectively enabling the call forwarding feature (Suder, col. 11, line 41 – col. 12, line 52).

Response to Arguments

21. Applicant's arguments filed July 11, 2008 have been fully considered but they are not persuasive. The applicants argued in substance that the prior art of record fails to teach or suggest:

a. "Gudjonsson neither discloses nor suggests a single unified end-user network appliance including, among other things, a network controller subsystem coupled to said packet data network for establishing point-to-point communications. Instead, Gudjonsson describes a network including plurality of clusters of servers wherein aspects of the network act as brokers and broker communication services between two or more people (see col. 7, lines 35-39 and 52-56). Gudjonsson utilizes a special service within each cluster called the Routing Service, distinct from the described client devices, which is required to connect the users, as messages are never sent directly between users and instead pass through the routing service. (see col. 9, lines 17-28). On the other hand, claim 1 recites a single unified end-user network appliance that includes a network controller subsystem coupled to a packet data network for establishing point-to-point communications. In the Office Action, the Examiner cited col. 3, lines 46-62 of Gudjonsson as allegedly disclosing these features. (Office Action at page 9). Applicants respectfully submit that the cited portion of Gudjonsson does not disclose or suggest a single unified end-user network appliance including a network controller subsystem coupled to said packet data network for establishing point-to-point communications as recited in claim 1." Remarks, page 17, line 23 - page 18, line 15.

As to point a, the examiner respectfully disagrees. While it is true that Gudjonsson describes a network including plurality of clusters of servers where aspects of the network act as brokers and broker communication services between two or more people, Gudjonsson is not limited to those features. Gudjonsson, as relied upon, teaches implementation of point-to-point communications between user's PCs, mobile phones, PDA, among other network devices. The communication is established over IP or PSTN. See Gudjonsson, col. 8, lines 17-22 and col. 7, lines 39-42. It is clear from the prior art that the devices contemplated by Gudjonsson are "single unified end-user network appliances…for establishing point-to-point communications" as claimed.

The examiner notes that claimed limitations as recited in claim 1, for instance, are basic features of a VOIP telephone or computer and are inherent in those devices. Furthermore, Suder, cited for other limitations in the rejection but not relied upon to reject claim 1, also teaches the recited features including but not limited to a network controller for establishing calls, a DSP, a signal conversion for providing audio out.

b. "In fact, the cited portion of Gudjonsson actually teaches away from the single unified end-user network appliance as claimed, and describes a device that requires the use of at least one intermediate routing service provided separately from the described client devices and on a communications network, used to mask user information. Specifically, Gudjonsson describes, "[i]n certain embodiments, messages are not sent directly between users, but instead through at least one intermediate routing service (RS) provided on a server of one of the users." (Gudjonsson, col. 3, lines 46-49, emphasis added). Here, Gudjonsson explicitly teaches away from the capability of point-to-point communications as recited in claim 1. Gudjonsson further describes, "[i]n certain embodiments, a user may establish a communication session with another user without knowledge of the client device being used by the other user; as the network arranges for communication...between the users regardless of the client device being used by the called user." (Gudjonsson, col. 3, lines 51-58, emphasis added). Again, Gudjonsson teaches away from the capability of point-to-point communications as recited in claim 1, and instead describes clients that require the network to arrange for communication between them. Nowhere does Gudjonsson disclose or suggest a single unified end-user network appliance capable of establishing point-to-point communications as recited in claim 1. In contrast, each embodiment of the invention described in Gudjonsson requires the use of a separate network routing service, distinct from the client device, in order to arrange for communications between users." See Remarks, page 18, line 16 - page 19, line 10.

As to point b, the examiner respectfully disagrees. As noted above in response to point a, the fact that Gudjonsson teaches limitations beyond that claimed by the applicants does not overcome the prior art. While Gudjonsson teaches the use of an intermediate routing service (RS), this does not show that Gudjonsson's user device fails to teach "a network controller subsystem…for establishing point-to-point communications." A PC, mobile phone, or PDAs from which a call is made and established over the internet or other network is deemed to comprise a network controller subsystem for establishing calls.

c. "Claim 9 depends from claim 1. Therefore, claim 9 includes all of the limitations of claim 1, in addition to the limitations recited in the dependent claim. Since claim 1 is allowable, claim 9 depending therefrom is also allowable for at least the same reasons applicable to claim 1. Furthermore, dependent claim 9 recites additional features not disclosed or suggested by the prior art of record. For example, dependent claim 9 further recites that the single unified end-user network appliance's computer program implements a call forwarding feature, wherein at least one forwarding SIP address is stored in at least one memory devices coupled to the device, at least one of said forwarding SIP addresses is selectable by a user via said user interface subsystem. Gudjonsson does not disclose or suggest these features of claim 9.

Instead, the portion of Gudjonsson cited by the Examiner describes the use of a Routing Service stored on the network used to send messages between users, which is provided separately from the described client devices. (Col. 9, line 8 - col. 10, line 46). In contrast to claim 9 in which the call forwarding is performed within the single unified network appliance itself, any forwarding of messages described in Gudjonsson is performed at the Routing Service (RS). Therefore, Gudjonsson actually teaches away from claim 9. Gudjonsson describes, "User B has instructed his/her [Routing Service] RS to forward invitation messages to his/her mobile phone 14 when user B is not online. Thus user B's RS forwards the invitation message to service 10 which interfaces with the external cellular telecommunications network.., which in turn enables the message to be forwarded to the network and ultimately to user B's mobile phone 14." (Gudjonsson, col. 10, lines 14-21). Therefore, Gudjonsson neither discloses nor suggests a single unified end-user network appliance's computer program implements a call forwarding feature, wherein at least one forwarding SIP address is stored in at least one memory devices coupled to the device, at least one of said forwarding SIP addresses is selectable by a user via said user interface subsystem. Dependent claim 9 is, therefore, allowable." Remarks page 21, line 18 - page 22, line 19.

The examiner respectfully disagrees. Gudjonsson teaches call forwarding using SIP addresses. See Gudjonsson, col. 25, line 64 – col. 26, line 36.

d. As discussed previously, since claim 1 is allowable, claim 21 depending therefrom is also allowable for at least the same reasons applicable to claim 1. Furthermore, dependent claim 21 recites additional features not disclosed or suggested by the prior art of record. For example, dependent claim 21 further recites an analog-to-digital (A/D)

converter for converting incoming audio data into digital incoming audio data, an encoder coupled to said A/D converter for encoding said digital incoming audio data, a decoder for decoding digital outgoing audio data provided by said digital signal processing subsystem, an digital- to-analog (D/A) converter coupled to said decoder for converting digital outgoing audio data into outgoing audio data, and an audio amplifier coupled to the handset and the corresponding speaker and microphone for conditioning said incoming and outgoing audio data. Gudjonsson and Suder, either alone or in combination, neither disclose nor suggest these features of claim 21. Remaks, page 25, lines 7-18.

The examiner respectfully disagrees. A/D and D/A conversion in telephones are notoriously well known and are inherent in those devices.

e. The prior art fails to teach Address Resolution Protocol (ARP).

The examiner respectfully disagrees, ARP is a well know part of TCP/IP and is inherent in the protocol as described by the prior art.

Allowable Subject Matter

22. Claims 6-8 and 57-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/
Primary Examiner
Art Unit 2144